

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:02-CR-9-1-F

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
JERMAINE PIERRE THOMAS,)	
Defendant.)	

This matter is before the court on the pro se motion of the defendant, Jermaine Pierre Thomas ("Thomas") "to Discontinue Sentence Imposed in Case Due to Convictions of Officers in Federal Cases as a Result of Investigation that Led to 'Operation Tarnished Badge' in Robeson County" [DE-105]. Thomas alleges, *inter alia*, that he was investigated by agents of the Robeson County Sheriff's Department who were indicted in 2006 and convicted of various federal crimes. He contends his sentence should be set aside, presumably because the officers' criminal conduct tainted their investigation of him and resulted in his unlawful conviction and sentence. The style and content of Thomas's motion is almost identical to the motion filed by Samir Khamis Sirhan, No. 4:09-CR-85-1-F, on February 28, 2011. Both Thomas and Sirhan listed Low Security Correctional Institution-Butner as their return addresses.

Thomas pled guilty to participation in a conspiracy to distribute and possess with the intent to distribute more than 50 grams of cocaine base (crack) between 1998 and mid-2002. According to the record, Thomas was a crack cocaine dealer primarily in New Hanover and Brunswick Counties, North Carolina, although acts in furtherance of the conspiracy also occurred in Louisiana, Texas, Georgia and Florida.

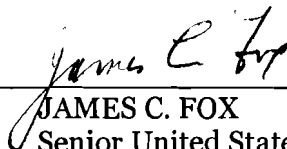
Thomas is DIRECTED to amend his motion on or before **March 29, 2011**, to include his statement of the *factual basis* for his claim that his sentence resulted from an investigation by Robeson County Sheriff's deputies who were convicted in federal court as a

result of Operation Tarnished Badge. **Thomas is cautioned that his failure to do so as directed will result in the dismissal of this motion as frivolous.**

The Clerk of Court is DIRECTED to re-submit this matter to the undersigned on **April 5, 2011.** Thomas's Motion to Discontinue Sentence [DE-105] is HELD IN ABEYANCE until that date.

SO ORDERED.

This, the 7th day of March, 2011.



JAMES C. FOX
Senior United States District Judge